THE JOURNAL BUSINESS DIRECTORY

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FLANNER & BUCHANAN-320 Nor'h Illinois street. Lady embalmer, for ladies and children. Office always open. Telephone 64l. Hacks at lowest

Old 250. C. E. KREGELO. FUNERAL DIRECTOR, 223 N. Delaware St.

Residence Phone, New 1749. No branch cace on N. Illinois street.

wife and mother.

prevailing price.

DIEB. ELDER-Mrs. Amelia A. Elder, wife of John R Elder, died Tuesday. Nov. 14, 1899, at 12:05 m., at the family residence, No. 350 East New York street. Funeral service to be held on Thursday, Nov. 16, 1899, at 2 o'clock p. m., to which friends are invited. The burial will be private, and Sixteenth streets, Tuesday, Nov. 14, at 7 ment at Crown Hill.

CARD OF THANKS.

CARD OF THANKS-We thank our friends for their expressions of sympathy and acts of kindness during the illness and since the death of

EDWARD DAVIS FINANCIAL. LOANS-Money on mortgages. C. F. SAYLES, 75 East Market street. Send for circular. Investors' Directory, N.

LOANS-Sums of \$500 and over. City property and farms.
C. E. COFFIN & CO., 150 East Market street. LOANS-On city property; 51/2 per cent.; no commission; money ready. C. N. WILLIAMS &

CO., 319 Lemcke building. MONEY-To loan on Indiana farms; lowest market rate; privilege for payment before due; we also buy municipal bonds. THOS. C. DAY & CO., Rooms 805-812 Law building, Indianapolis. FINANCIAL-Loans made to honest salaried peoncerns on their own names. Easiest terms. Get SECURITY MORTGAGE LOAN CO., 207 Indiana

STORAGE. STORAGE-The Union Transfer and Storage Company, corner East Ohio street and Bee-line acks; only first-class storage solicited. CRAT-ING AND PACKING OF HOUSEHOLD GOODS A SPECIALTY.

FOR SALE. FOR SALE-Coal, coke and wood. C. F. HUNT FOR SALE-Ten R.I.P.A.N.S for 5 cents at Druggists; one gives relief.

WANTED-MALE HELP. WANTED-Men to learn barber trade; \$60 monthly positively guaranteed after eight weeks' practice. We employ our own graduates and want all we can get. Special advantages to those from distance. No expense to learn if you will work for us. Write for particulars. MOLER

WANTED-MISCELLANEOUS. WANTED-Clinics at Central College of Dentistry; charge for material only; open all day. Corner Ohio and Illinois streets.

BARBER COLLEGE, Chicago, Ill.

LOST. LOST-Small female pointer, white with liver colored spots. Answers to name of Fanny. Return to 311 East Michigan street. Reward.

FOR AND AGAINST.

A Good Many Witnesses in the Fairbank Case at Lebanon.

Interest in the Fairbank case, on trial at Lebanon, is increasing. The plaintiff has introduced a number of witnesses to show that the Indianapolis resort is a nuisance to the neighborhood, that rowdy characters frequent the place and that the law is openly violated in the selling of liquor. Wit- | United States industrial commission began a there after 11 o'clock at night and on Sun- thorough inquiry into the charges of dis- official was done. The meeting, it days and holidays. Among the witnesses for the plaintiff were John W. Marshall, i be made and the alleged combine of ele-Dunning and J. A. Shirley, residents of the neighborhood; Irvin Cox, James Barnes, Joseph Hadley and Joe Cochran, who have visited the place, and Joseph H. Clark, a his case yesterday morning and rested. The defendant introduced a number of witnesses vesterday to show that the character of Fairbank was good for order. Among thece witnesses were Albert Gall and P. J. Scholz, ex-state treasurers; Harry B. Smith, auditor of Marion county; Deputy Auditor Fred Shepard, John McGregor, county commissioner; A. M. Kuhn, A. C. Koehne, county treasurer-elect, and Isaac Kantrowitz. All these testified that they had visited the place and that they saw ro drunken characters and heard no profanity. Some of the witnesses visited the place in company with their families.

FINAL REPORT MADE

By Union Trust Company in the De Pauw Case-Lawyers Quarrel.

The Union Trust Company, of this city, filed its last report in the W. C. De Pauw case, at New Albany, yesterda; and was discharged. The report showed \$64,000 on hand. The Citizens' National Bank of Salem filed objections to the report, but they were overruled by Judge Ultz, who ordered the company to pay into the county clerk's office \$25,000 to pay off a number of unpreferred creditors, whose suits against the company are now pending. The Union Trust Company was one of the heaviest creditors. During the process of the trial yesterday, Evan Stotsenburg, representing the Citisens' National Bank, and Charles L. Jewett. of the trust company, engaged in a heated argument and several harsh words were passed between them, and the men were on the brink of having a personal encounter when they were frustrated by the other attorneys. Mr. Stotsenburg gave notice of an appeal to the Supreme Court.

Milwaukee Street-Car Situation.

The Milwaukee Sentinel of yesterday contained a two-column article on the streetrailway situation in this city, written by a staff correspondent. The street-car company in that city is asking an extension of franchise and apparently is not willing to make any concessions.

Mother Will Come After Her. Annie Wagner, of Harrodsburg, Ky., who was found by detectives Gerber and Morgan in Libbie Collins's resort, 140 South Senate avenue, will be held at the police station

until the arrival of her mother, who tele-

graphed she would come after her-

Hamilton County Board of Charities. The State Board of Charitles yesterday appointed the following board to act in Hamilton county: Mrs. Minnie Levison, Mrs. Anne Davis, Mrs. Edith Hare, W. J. Collins and Able Doan.

TO HAVE HEALTH AND HAPPINESS Use "Garland" Stoves and Ranges.

FREIGHT RATES

JANUARY ADVANCES WILL RANGE FROM 10 TO 50 PER CENT.

The Illinois Central Purchasing New Passenger Equipment for Its Omaha Line-General Notes.

There will be a meeting in New York today of the officials of the trunk lines and of the Central Freight Association, with a view of abrogating all special commodity contracts and restoring official classification in the territories of the two associations. Indianapolis lines will be represented by Samuel Sweet, general freight agent of the Lake Erie & Western, and Ford Wood, general freight agent of the Peoria & Eastern. The Central Freight Association has practically settled that sweeping changes shall be made, the advanvce ranging from 10 to 50 per cent., to take effect Jan. 1. The move is made with the tacit concurrence of the trunk lines, and will take tangible shape at to-day's meeting. A freight official says: "The effort is to practically restore all commodity tariffs to official classification. The commodity tariffs are being abrogated all the way down the list. In some cases where the classification cannot be restored the classification committee will be asked to

change or reduce the class. There should be no objection to letting shippers know what is being done before it is fully settled. There will be a protest, of course, and if presented in time it will be duly considered. The lining up of the advanced rates will run for a month or more and the shippers will have an opportunity to present their case. The railroads are really making a modest requisition on the business world for a shade of the present prosperity. An average advance the freight traffic, which, however, will not reach more than 30 per cent. of the freight

revenue, is nothing alarming or tyrannical. STEELE-Mrs. Mary E. Steele, wife of Theodore | first of the year they will have to pay high-C. Steele, at the family residence, Pennsylvania | er rates, and they can make their contracts o'clock p. m. Funeral and burial private. Inter- accordingly." In making the advances in freight rates railroads reached a compromise as to the amount of advances and as to the time they should take effect. They justify their conservatism in this way, saying that in the long run it pays to retain the good will of their cusomers and never discourage the natural

SAMUEL DAVIS.

flow of trade currents.

Lease of the B. & A. Ratified. At a special meeting of the New York Central Railway yesterday the lease of the Boston & Albany Railroad was ratified. President Calloway, of the New York Central, said the form of lease adopted is the result of a compromise with the socalled protective committee of the Boston & Albany stockholders, who claimed that the term of the lease was too long, that the rental was too small and that the provisions of the lease did not sufficiently protect the interests of the Boston & Albany stockholders. "The form of the lease has been modified," said Mr. Callaway, "to meet the objections, without any material change in substance. The term has been reduced from 999 years to ninety-nine years, and the New York Central Company agrees to pay for certain real and personal property not included in the lease, \$5,500,000 in its 31/2 per cent. debenture bonds, instead of

\$4,000,000, as under the former plan. This concession to the demands of th stockholders is a compromise, Mr. Callaway said, between the two interests. It is understood that the original demand of the protective committee was that the New York Central should pay 10 per cent. on the \$25.-000,000 of Boston & Albany stock instead of 8 per cent., which the Central offered. Upon the amended contract the stockholders got 8 per cent. and the additional \$1,500. 000 in New York Central bonds. The control of the Boston & Albany will not pass to the Central until July 1 next, Mr. Callaway said, and it is too early to make any statement as to the road's future policy The directors of the New York Central have not passed upon the lease yet and the policy of the acquired road would not be de-

termined until that is done The negotiations connected with the lease of the Boston & Albany have been in the hands of the protective committee, of which T. Jefferson Coolidge is chairman. The first proposition made by the Central included a clause fixing the guaranteed dividends to be paid at 6 per cent. The committe submitted a cross-proposition, agreeing to a rate of 10 per cent. Several weeks ago it was known that Mr. Coolidge had failed to consummate the lease at the rate asked by the New England stockholders. The 8 per cent. compromise has been under discussion since that time. It was refused at first by the stockholders' committee and the additional inducements made by the

Central were necessary to bring about the acceptance of the lease. The stockholders of the Boston & Albany held a meeting in Boston to-day but no business was transacted and an adjournment was taken until Dec. 27, when they are expected to pass on the new terms offered for the lease of the road by the New York Central.

Rate Discrimination Inquiry.

The subcommittee on transportation of the crimination in freight rates by railroads will Charles E. Jones, Harry Cribbs, Samuel M. | vators will also be investigated. The members of the committee met in secret session in the morning to decide on a programme and a general discussion of preliminaries. real-estate agent. The plaintiff concluded No evidence was taken until afternoon, says: when ex-Senator John H. Reagan, of Texas, was the first witness. In his testimony before the committee he said that if it is not possible to have the freight rates regulated, the next best thing is a "regulated pool," which should provide for severe penalties for violations of contracts. Judge Reagan did not favor the control of railways by the government. The increased power and patronage given to the government for disposal, he said, might endanger the liberties of the people.

The commission questioned Judge Reagan relative to the taxing of franchises of railroads. The witness said he had never attempted to fix a valuation on a franchise, as the matter had never come before the commission of which he is a member, in giving his evidence Judge Reagan read a long statement making suggestions as to necessary legislation by Congress, as to interstate and foreign transportation, and by he state legislatures as to the transportation beginning and ending in the State. John J. Hyland, traffic manager of the freight bureau of the Board of Trade, was

the only other witness before the committee. Mr. Hyland read a short paper, in which he said that, though some members of the Board of Trade believed in a legalized pool, as giving more stable rates than the present system of open competition, he thought he pool would rather restrict competition than prevent discrimination. Such an organization, he said, would be the greatest rust ever seen in this country. The following list of witnesses for to-day has been prepared: Charles E. McNeill Chicago Produce Exchange; A. A. Kennard Chicago Butter and Egg Board; Henry F. Dousman, Chicago Board of Trade; John J.

Hill, commission merchant: C. A. Greeley,

commission merchant. Erie Directorate Chosen.

The stockholders of the Chicago & Erie Railroad, which forms that part of the Erie Railway system from Marion, O., to Chicago, 261 miles, met yesterday at Huntington and elected directors for the ensuing year. The following were chosen: J. H. Benedict, G. M. Cummings, Charles H. Coster, F. D. Jennings, F. L. Stepson, Samuel Spencer, E. B. Thomas and W. S. Merrill, of New York; J. Lowber Welch, of Philadelphia; J. G. McCullough, of Bennington, Vt.; Mark A. Hanna, of Cleveland, O.; Simon Perkins, of Sharon, Pa. Most of the directors are identified with the Eric Railroad proper.

Personal, Local and General Notes. General Manager Frey, of the Santa Fe, vesterday announced his resignation, to Vice President Harahan, of the Illinois

Central, is, with subordinate officials, making an inspection of the property. Next month the Chicago, Burlington & Oulney will open to the public its new | Michaels there was not enough money in the \$160,000 passenger station in Kansas City. The fact that some of the officials of the Big Four recently made an inspection trip over the Erie gives room for more specula- pany. tion. It will result in the two roads work-

as in each case the road would be benefited by working more closely, as was the case up to five years ago.

The Wheeling & Lake Erie yesterday created the office of engineer of maintenance of way, F. H. Alfred being appointed to

The Indiana, Illinois & Iowa will build a large freight depot at South Bend, to be used chiefly as a transfer depot to connecting links The Porter lodge of the Brotherhood of Locomotive Firemen, at Fort Wayne, recently received a number of new members and now has a membership of 115.

immigrant pool of the Western lines. Charles H. Ketcham, formerly superintendent of the Dunkirk & Allegheny road has been appointed terminal agent of the Lackawanna at New York and Hoboken. The Pennsylvania Company, controlling the Toledo, Peoria & Western, has purchased 1,000 tons of new steel rails for that road, weighing seventy pounds to the yard. The report is revived that the Richmond division of the Panhandle will be abolished and divided up as parts of the Indianapolls, the Cincinnati and Logansport divi-

Thomas Rodd, chief engineer of the Pennsylvania lines west, and T. H. Goodman were in the city yesterday en route to the southern part of the State for a few days'

Trouble is feared as to the supply of coal for locomotives in this section, and the Lake Erie & Western and the Chicago & Alton are stocking up ahead of their usual requirements.

George A. Blair, representing the freight department of the Chicago, Milwaukee & Paul, and Harry Matz, of the passenger department of the Chicago & Rock Island, are in the city. J. Q. Van Winkle, general superintendent

of the Big Four lines, says he can see that there is a little easing up in the car situation, and the congested business at division points is daily being relieved. Kansas City is uneasy over the prospects that the Chicago & Alton may secure control of the Kansas City, Pittsburg & Gulf and make St. Louis and Chicago, instead

Four persons of this city, well informed concerning the outlook for the Big Four, have been of late purchasing the stock in considerable amounts. President Ingalis of 20 per cent. on two-thirds of the bulk of says the Big Four stock below sixty is a good purchase. The Illinois Central, which is to open its Omaha line Jan. 1, will place entirely

of Kansas City, terminals of the latter.

new passenger equipment between Chicago The shippers may as well know that by the | and Omaha, second to none in the country. At present thirty-eight cars are building for this service. The announcement from New York that the old board of directors of the Big Four

has been re-elected, and in turn the officials, should put a quietus on the rumors which have been affoat the last few weeks about changes on that road. The first mortgage bondholders of the Peorla, Decatur & Evansville are confident

the property will be sold at foreclosure sale at an early day as a majority of the second mortagage bondholders has assented to the plan of reorganization. The Financial Chronicle places the earnings of 111 roads for October at \$61,963,061, an increase over October, 1898, of \$6,094,486

Since Jan. 1 the earnings of the same roads were \$494,436,794, an increase over the corresponding ten months of 1898 of \$43,865,749. Maj. Charles Hine, general superintendent of the Findlay, Fort Wayne & Western Railway, has resigned on account of the death of his father. He goes to Vienna, Va., to assume charge of the extensive family estate. His successor has not been an-

The Railway Officials' and Employes' Asciation last week did the largest business in the company's history, and there has not been a month, Chalmers Brown, president, says, this year that an increase in business over the coresponding months of 1898 is not shown.

nounced.

For the second time the jury on the lacklisting case of A. G. Roberts against P. Robinson and A. G. Hinckley, of the Joseph & Grand Island Railway Company, for \$20,000 damages has disagreed and were discharged. The jury stood 11 to 1 Yesterday the twenty-fifth annual conven-

tion of the Railway Passenger and Freight Conductors' Mutual Aid Association met in Chicago. The association now has 531 members in good standing. The receipts for the year ending Oct. 31 were \$21,966.29; disbursements, \$19,987.19. President Hall and former President Clark, of the New York, New Haven &

Hartford lines, will be in Chicago in a day or two to confer with the Pullman company in regard to contracts for new equipment for the Bay State Express, one of the most popular of New England trains. The Wheeling & Lake Erie, besides advancing the wages of all employes from 10 to 40 per cent., has made a change in its class system for engineers, and will henceforth pay for the time the engineer is em-Heretofore engineers have been divided into first, scond, third and fourth classes. Both engineers and firemen wil be paid by the day and allowed thirty minutes extra on every hour of extra time

worked. William Nicholson, manager of the Buffalo railway clearing house, is complimented for establishing a system of billing through from the Atlantic to the Pacific coast and vice versa. The system was inaugurated on roads east of Chicago and St. Louis some four years ago, but was discontinued. It is now being made a complete success through the energetic work of Manager Nicholson and gives promise of being a permanent arrangement.

EXECUTIVE COMMITTEE

Is in Session Without Taking Up Mat-

ters of Importance. yesterday at the Occidental Hotel. Chairnesses testified that liquor has been sold ten days' session at Chicago yesterday. A man Dolan had not arrived and nothing claimed, has no special object in view other than the discussion of affairs which usually come up in the regular business at these annual meetings. A number of district presidents are also in the city to confer with the committee. A dispatch from Columbus, O., "It is learned here to-day that a secret conference is being held at the national headquarters of the United Mine Workers in Indianapolis by all the district presidents of the organization in the competitive field. It is understood that the miners feel that they are entitled to a share of the prosperity which is now being enjoyed by the country and that an increase in the price of mining will be asked. Nothing will be done, however, without the full consent of the operators.

OSCAR HAGEN'S ARREST.

He Is Charged with Embezzling Money from His Employers.

at 426 North West street, was arrested yesfunds belonging to Sindlinger Brothers, 127 North Illinois street. Hagen was collecting for the firm, and it is said failed to turn in money collected to the amount of about \$70. The detectives learned later that Hagen was short with Swick & Co., by whom he was employed in a like capacity. On his person were found several pawn tickets.

Cattle for Export Market.

This week some unusually fine beef cattle are being offered at the stockyards and are bringing good prices, being purchased largely by export shippers. One firm has thirty carloads of export cattle to ship today and to-morrow and yesterday ordered that number of Street stock cars to ship them in. President Rauh, of the Union stockyards, says of late there has been a marked increase in the buying of cattle and horses for export. But few mules are being offered on the Indianapolis market.

Woman Dies of Lockjaw. Mrs. Mary Jaques, 1037 Maple street, died yesterday of lockjaw. On account of rheumatism and other complications she had been confined to her bed most of the time for the last eight years. She was attended by Coroner Nash, who reports the case as one of terrible suffering. The remains were sent to the home of her parents in the northern part of the State.

What a Gold Seeker Says.

One of the men who went to Alaska to seek gold for the Indianapolis Mining Company says it is not true that some of the prospectors staked off private claims while being paid wages by the company. He declares that when the party reached St. treasury to buy a collar button. He says that all the claims staked off were staked for the company and belong to the com-

THE EVIDENCE IS ALL IN IN THE HENRY DAMAGE CASE.

Witnesses That Tell Conflicting Stories Are on the Stand-A Hotel Case -Other Court Matters.

F. A. Wadleigh, formerly general passenger agent of the Rio Grande Western, has been offered the position of manager of the It is thought the damage suit of Oliver H. Henry against William Henry Harris, in which the latter is charged with alienating the affections of the plaintiff's wife, will go to the jury about 4:30 o'clock this afternoon. The plaintiff continued to bring out evidence in rebuttal for an hour or two yesterday morning and the defense had some testimony of the same character.

The plaintiff's attorneys consider that their most important witness yesterday was W. H. Snoderly, who formerly lived at Dayton and Greenville, O., and knew Henry and his wife in both of these cities. He said he was intimately acquainted with the Henrys and had never known of their having a quarrel. He said Henry always treated his wife kindly and he thought their relations were very pleasant.

To impeach the testimony of this witness the defendant's lawyers called Miss Mary Lemmon, of Cambridge City, to the witness stand. She is an aunt of Mrs. Harris, who was formerly Mrs. Henry. Miss Lemmon testified that Snoderly once told her that Henry and his wife did not get along well together and that he had once seen Henry dragging his wife about the store by the hair. As soon as Miss Lemmon left the witness stand Snoderly was recalled. He insisted that he did not know Miss Lemmon and had never told her anything. He declared he had never seen her until she came on the witness stand.

Henry was recalled to explain some money transactions which he had with John Kepler, of Cambridge City. Mr. Kepler is now dead. The defense had claimed that Henry Undertook to swindle Mr. Kepler and that this was the cause of a quarrel between Henry and his wife, she upbraiding him for his apparent dishonest methods. Henry's the part of the relator alleges "that he was door it was opened by Chairman Evans, of attorneys say that his explanation made eligible to be elected and to hold the office the committee, who stated that the meetyesterday of this matter was very satis- of trustee" such averment is one of fact,

voted yesterday afternoon to preparing his instructions. Under the law the attorneys have a right to know what the court's instructions will be before they begin the argument. The lawyers made a request to have the instructions submitted in the case.

THE CIVIL RIGHTS ACT.

A Demurrer Is Filed That Brings It Into Controversy.

A demurrer has been filed in the suit of Luella Colman against the proprietors of the Hotel English. The plaintiff, who is colored, brought suit against the hotel management because she was refused admission to the elevator of the house. She claimed she had business with a woman who was a guest of the hotel. She charged that the man in charge of the elevator declined to allow her to ride and she was compelled to climb several flights of stairs. The demurrer to the plaintiff's complaint sets up the following contention: "We think it evident, from a reading of the sections of the statute under which this action is brought, that in-so-far as they require an inn to extend equal accommodations to all. the reference is only to guests of the hotel. It cannot refuse accommodations to a person on account of color, nor can it refuse the same facilities to one guest which are permitted or extended to another on the ground of color. But the statute has no reference to mere licensees whom the defendant, or any hotel, may tolerate about the hotel without their having a right there. As to those who have no rights the hotel may adopt any regulations it pleases and we take it that the fact that a hotel might permit white people, not guests of or connected with the hotel, to loiter about the * * * would in no sense obligate the hotel to tolerate like trespassers of colored people. We insist that the statute has reference alone to those who are or who seek to become guests of hotels, and for this reason the complaint is defective.'

A MEDLEY OF CASES.

Judge Daly, in Police Court, Dispenses Justice Right and Left. In Police Court yesterday Robert Ball, charged with petit larceny, was fined \$100 and costs and a workhouse sentence of one hundred days was added.

L. H. Wright, charged with bigamy, was, after the completion of the examination continued from last week, bound over to the grand jury. Little additional evidence was produced, though witnesses were brought in who testified that Wright passed the woman from Cicero off as his wife. Two criminal charges were made against Wright and Nancy Glosser, but these were con-Julius C. Morgan, formerly a Big Four conductor, was fined \$100 and costs for wife desertion. The case was appealed. Morgan's manner while listening to testimony and while on the witness stand was one which, despite his assertions that he loved his wife and children and cared for them, was that of a braggart and when Judge Daly announced the sentence he expressed regret that the limit of punishment was only fine, as he thought he deserved more Joseph Sauer pleaded guilty to drunken-

ness and was found guilty of assault and battery, for which a fine of \$1 and costs was imposed. An amusing feature of the case was that two girls who were witnesses claimed their witness fees and then upon equest agreed to cut their claim to onehalf the amount. They then told that the members of the force where Sauer was employed were going to make up a purse for Sauer in case he was fined, and that they would contribute to the fund. The girls will thus help pay their own fees.

HIGH COURT DECISIONS.

A Trustee Case from the Town of

Hanover-Other Cases. The Supreme Court yesterday affirmed the decision of the Circuit Court, declaring David Wilson the duly elected trustee of the own of Hanover. Lewis Jones, who was Wilson's opponent, received twenty-four legal votes. Wilson's votes numbered thirtyseven, all of which were thrown out by the Oscar Hagen, twenty years of age, living | judges, because there was no "party emblem" at the head of the Republican ticket. terday afternoon by Detectives Gerber and Judge Hadley, in disposing of the objec-Morgan and charged with embezzlement of | tions filed, says: " * The purpose of all election laws is to secure the electors the correct expression of their choice in the selection of public servants * * * or their omission of acts not declared to be essential to the validity of the election, are to

be held directory only, in support of the voter's right to have his ballot counted as Oral arguments were heard yesterday morning by the Supreme Court in the case of Catherine Kern against Ella Kern, sustaining the contention of the plaintiff relative to the validity of an alleged second will which could not be found, revoking the one probated by the widow. The will affected an estate valued at about \$75,000. The Appellate Court, in the case Wabash Railroad against John F. McCorelers' Accident Company of New York; suit mich, et al., ruled that a plaintiff unpreon policy. Superior Court, Room 1 pared to prove a material point cannot, by withdrawing a juror, cause the action to

stand for trial at a subsequent term. The Appellate Court also ruled that the insertion of a rate of interest higher than the legal rate in a blank space of a note after it had been signed was a material alteration. This in the case of Sylvanus Moore against Jacob Hinshaw.

HENRY WHITNEY'S TRIAL. The Charge Against Him Is Attempt-

ing to Kill Arthur Braxton.

Henry Whitney, colored, aged about

eighteen, was tried in the Criminal Court yesterday on the charge of shooting with intent to kill. On the Friday night after the last city election some colored Democrats gave a street parade, and Whitney, with some other colored boys, was in the street following the parade. They became | weeks. It will be a sure death for him very playful with each other and finally when the parade broke up at Indiana avedown town, some of the boys slapping the others with sticks. Whitney tired of this and threatened to hurt some one if he was ing more closely than for a few years past. Young & McMurray, Tailors, 42 N. Penn. st. However, the fun continued fast and furi-

ous and finally Whitney left the crowd and went after a revolver. Later he came across Arthur Braxton and one or two other boys on Market street, near Tomlinson Hall Without a word he drew his pistol and fired four times at Braxton. Two of the shots took effect. Braxton was taken to the City Hospital, where he remained for two weeks. Whitney shot him above the left eye and in the left shoulder. Whitney

was tried by jury. CLAIMS ARE ALLOWED

By Judge Allen Against the William Wambaugh Estate.

Judge Allen, of the Circuit Court, yesterday allowed claims against the estate of the late William Wambaugh, the court finding that Mr. Wambaugh was of sound mind at the time he executed certain notes. The court declined to allow the claim of John Reardon against the estate. Reardon filed a claim for attorney's fees. The evidence showed that he boarded with Joseph Wambaugh, a son of William Wambaugh, and it was understood that he was paid in this way. Reardon drew up the Wambaugh will, which has been in controversy. One of Mr. Wambaugh's sons filed a petition in court asking that his brother Joseph be required to produce their father's will. Joseph Wambaugh filed an answer, in which he claimed that Mr. Wambaugh made a will but de stroyed it before he died. A sister of Joseph Wambaugh testified in the Circuit Court, yesterday, that she was present when the will was destroyed. Yesterday evening the petition to have the will produced was dis-

Appeal from Allen County. A case was filed in the Supreme Court yesterday in appeal from the Circuit Court of Allen county, in which James Smith was convicted of the crime of assisting one Allen Curtis, who was charged with stealing a horse and buggy, and confined in the Allen county jail, with escaping. The sheriff made affidavit against Smith, claiming that Smith had stolen from him a key to the jail and liberated Curtis some time during the night. Smith received the sentence of from two to twenty-one years in the penitentiary.

THE COURT RECORD.

Supreme Court. 18733. Jones vs. State ex rel. Wilson. Jefferson C. C. Affirmed. Hadley, J.-1. In an information under Section 1145, Burns's R. S. 1894, to determine the title to the office of a town trustee, where the pleading on a reporter rapped the second time on the and it is not necessary to plead the eviling was strictly private and the presence dentiary facts constituting the eligibility of of newspaper reporters was undesirable and the relator. 2. It is not available error to strike out of a special answer alleged facts which are admissible under a general denial which is already pleaded. 3. The purpose of all election laws is to secure the electors the correct expression of their choice in the slection of public servants, and irregularities on the part of election officers not going to the time or place, or other vital matters of election, or their omission of acts not declared to be essential to the validity of the election are to be held directory only in support of the voter's right to have his ballot counted as cast. 4. The absence of a party emblem from a ticket to be voted on at an election will not vitlate the ballot when its absence cannot mislead the voter or injure the contesting opponent. 18226. Island Coal Company vs. Sherwood. Sullivan C. C. Petition for rehearing over-

Appellate Court. 2927. Moore vs. Hinshaw. Hamilton C. C. Reversed. Wiley, J.-Where an agreement is made that notes shall be executed bearing 8 per cent. interest, and the principal surety sign them in blank as to the rate of interest the rate of interest cannot be inserted in the notes in conformity with the agreement in the absence of the knowledege and consent of the surety and make the contract binding upon him. 2896. Wabash Railroad Company vs. Mc-

Cormick. De Kalb C. C. Reversed. Robinson, J.-1. It is within the discretion of the trial court to allow a complaint to be amended. 2. Under the code the rules of the common law do not control in any case where complete provision is statute. 3. Before trial a plaintiff may become nonsuit as a matter of right; after the trial has begun and before verdict leave to become norsuit is in the discretion of the court, and after verdict there can be no nonsuit. Under the code a court has no power to order an involuntary nonsuit. A motion by a plaintiff for a nonsuit is a dismissal. 5. The "withdrawal of a juror" is common law practice, and if a plaintiff stops his case by withdrawing a jury the defendant is not entitled to a judgment because of such withdrawal. The only judgment that can be rendered is one of nonsuit or dismissal. 6. The code does not recognize any practice that would permit either party at any stage of the trial without showing cause to continue the case by withdrawing a juror.

3275. Wayne, etc., Association vs. Akelon. Boone C. C. Motion to transfer to Supreme Court granted. 3124. Kokomo, etc., Railway Company vs. C. & St. L. Railway Company. Howard C. C. Motion to dismiss appeal postponed until final hearing. 3021. O'Crawley vs. Owen. Madison S. C.

Transferred to Supreme Court. Superior Court. Room 1-John L. McMaster, Judge. Indiana Mutual Building and Loan Asso-

ciation vs. Catherine Stewart; suit to quiet Room 2-James M. Leathers, Judge. Consolidated Paint and Oil Company vs. William A. Van Buren et al.; mechanic's lien. Dismissed and costs paid. Home Brewing Company vs. Valentine Fahrbach; note. Submitted to court. Evi-dence heard. Finding and judgment against defendant for \$3,332. Foreclosure and sale Jacob E. Mann vs. William A. Van Buren et al.; mechanic's lien. Dismissed and costs

Chester Bradford vs. C. & A. Potts & Co.; attorney's fees. Dismissed at plaintiff's Terre Haute Brewing Company vs. Frank | build a "Y" switch on Nineteenth street faulted. Finding and judgment that erty of \$600 in value be returned to plaintiff. Oliver M. Henry vs. Wm. H. Harris; damages. On trial by jury. Further evidence heard. Continued Daisy Starr vs. I. C. Starr; divorce. De cree granted pliantiff. Judgment against defendant for costs.

Room 3-Vinson Carter, Judge. Indiana Bond Company vs. Western Loan and Savings Company et al.; lien. Judgment on verdict that plaintiff is owner of property in controversy. Judgment for plaintiff for 25 cents and costs. Jesse Shelly vs. Reuben Bailey; damages. Judgment on verdict for defendant against plaintiff for costs.

Circuit Court. Henry Clay Allen, Judge Philip Marer vs. William Wambaugh's Es tate; claim for \$560. Continued for argu-

Zora B. Perigo vs. Oscar T. Perigo; di-Defendant defaulted. Submitted to vorce. Evidence heard. Finding for plaintiff. Decree of divorce. Plaintiff's maiden name, Zora B. Padgett, restored. Judgment against defendant for costs. Indianapolis Brewing Company vs. Wil liam Wambaugh's Estate; claim for \$282.52. Submitted to court. Evidence heard in part. John L. Reardon vs. William Wambaugh's Estate; claim for \$100. Submitted to court. Evidence heard. Finding for defendant. Judgment against claimant for costs.

Christine Rodenbeck et al. vs. John F Rodenbeck et al.; partition. Circuit Court. Johanna Brennan vs. John Brennan et al. suit to quiet title. Circuit Court. Martin Faul vs. Oren Green et al.; suit on notes. Superior Court, Room ? Minnie Habig vs. William F. Habiz; suit for divorce. Superior Court, Room 3 Hattie Rhoades vs. James Rhoades et al. Superior Court, Room 2. Louis M. Howe vs. The Economic Power Company; attachment. Superior Court. Frank C. Ferguson vs. Traders' and Trav-

New Suits Filed.

A THREAT IS MADE

By an Unknown Person Against the Life of Judge Allen.

A crank or a joker, it is not known which, was kind enough yesterday to send a postal card "To the Police Superintendent, City," advising him that Judge Allen, of the Circuit Court, would die by the hand of an assassin within three weeks despite any precaution which might be taken by the police or the intended victim. Following is a copy

"City, Nov. 14 .- Please inform Judge Alen, of the Circuit Court, to look for his life, as he will be assassinated within three The card was printed in a disguised hand and had no signature. Judge Allen thinks scmeone is trying to give the police departnue and North street, the youths started | ment and himself something to worry about, probably thinking his duties in the Circuit Court are not enough.

The Queen and Crescent is the shortest



THE TASK IS TOO LARGE

FOR THE COMMITTEE TO DISPOSE OF WITHOUT DEEP THOUGHT.

The City Attorney and Gas Companies to Be Given a Hearing-Works Board Affairs-Board of Safety.

The citizens of Indianapolis will have to wait another week, and probably longer, before they will know what action the committee on contracts and franchises will take on the gas ordinance which was introduced in the Council at its last meeting. For a little over an hour last night the members of this committee, with the exeception of William W. Knight, were closeted behind closed doors in the city clerk's office for the purpose of arriving at some conclusion, if possible, in regard to the ordinance. When prohibited. The other members of the committee were seated around one of the tables in the clerk's office with their brows knit and pondering over the all-important

At about 9:10 o'clock the members of the committee came strolling out of the room but they were all as mum as clams. When asked what action was taken they stated that it has been decided that the ordinance was entirely of too much importance to even consider at the meeting, but it was decided to hold another meeting some night next week, probably Wednesday night, at which the matter will be considered. In the interim Chairman Evans will invite City Attorney Kern and representatives of both the Indianapolis and Consumers' gas companies to met the committee in order that more tangible knowledge can be se cured before the committee takes any action or discusses the ordinance.

Chairman Evans was seen after the meeting of the committee last night and asked what had occurred behind the closed doors "The ordinance was read by sections," he stated, "but we deemed it advisable not to rush the matter along until we had procured advice from the city attorney and had also conferred with the gas companies. There was no discussion on the ordinance and I am unable to state the opinion of the members of the committee, even if they have formed any concerning the question. "Do you believe that the ordinance wil be changed or amended by the committee before it is turned back to the Council? was asked. "That I am also unable to answer. When

he ordinance goes back to the Council should it do so, it may be changed and amended to such an extent that a person would not recognize it as the one introduced at the last meeting of the Council. "What do you think of the opinion of the members of the committee in regard to the three-ounce gauge question? "They did not discuss the matter. That

part of the ordinance calls for one ounce less than the present ordinance requires. The members of the committee, or part of them at least, know that it is a hard proposition to have the pressure uniform. It may be three ounces at one place and only a few squares away may be considerably I cannot give you any intelligent answer as to the opinion of the committee. for the other members and also myself arrived at the conclusion that the matter was of such grave importance that we could not express our opinions or discuss the matter at this time.

WORKS BOARD AFFAIRS.

A Communication from Mr. McGowan -Assessment Clerks. The Board of Works at its meeting yesterday received a communication from General Manager McGowan, of the Indianapolis Street-railway Company, in regard to the requests which were made by Assistant Manager Grant at the meeting of the board Monday. They included the proposition to Glass et al.; replevin. Defendant de- and to place eighty-five-pound steel rails on West Washington street to be used for hauling coal over. The communication was placed in the hands of City Attorney Kern. The board appointed C. B. Sweeney and John Gallivan as temporary assessment clerks in the assessment office. The board took final action and ordered an assessment to be prepared of the benefits and damages the opening of Jupi'er street from Massachusetts avenue to Brookside avenue. The street will be thirty feet in width Final action was also taken on the opening of a street forty feet wide from Bel-mont avenue to Vermont street. Final

> CHARGES AGAINST A FIREMAN Are Preferred by Fire Chief Barrett -A Special Meeting.

> action on the opening of Keystone avenue

from the Big Four tracks to Southeastern

avenue was deferred.

Charges were preferred before the Board of Safety yesterday by Fire Chief Barrett and Capt. Thomas Quinn, of hook and ladder company No. 3, against Ezra Hamilton for alleged insubordination at the fire on West Eleventh street Tuesday night. Capt. Quinn stated that Hamilton was carrying a line of hose through an alleyway to the fire and was not making the proper headway when he came up to him. Quinn alleges that Hamilton assaulted him. Quinn took the line of hose and went through the alley with it himself. Hamilton showed a burn on his hand he received from the fire. He filed counter-charges against Captain Quinn, alleging that Quinn cursed him and that he was incompetent to fill the position of captain. Both cases will be heard at a special meeting of the board Saturday morning. Hamilton has been suspended by Chief Barrett pending his hearing.

BOARD OF WORKS ROUTINE. Alley Vacated.

The board overruled the remonstrance against the vacation of the first alley south of Sixteenth street, from the first alley east of Howard street to a point 3101/2 feet east, and ordered the alley to be vacated.

Streets Opened.

an assessment roll to be prepared of the benefits and damages upon the opening of Jupiter street, from Massachusetts avenue to Brookside avenue, to the uniform width of thirty feet. And upon the opening of a street forty feet wide, from Belmont avenue to Vermont street. Action Deferred.

from Northwestern avenue to a point 180 feet west of the west line of Senate avenue. Remonstrances were filed in both cases by interested property holders. The board also deferred further action upon the vacation of a public highway in Section 26, Township 16, north, Range 3,

Contracts Approved. board approved contract and bond in behalf of J. Harry Roberts for paving with street to Capitol avenue.

remonstrances from residents.

Canvassers for Industrial Department wanted in every town in the State. AMUSEM ENTS. Grand-To-Night, WEEK 25c MATINEE SATURDAY. GRAND STOCK COMPANY in

> At each performance in IN A her Four Marvelous Myriad and Color Dances. Evening Prices-50c, 25c, 15c Matinees-25c, Next Week-"Young Mrs. Winthrop."

₿ENGLISH'S€

TO-NIGHT-Last Performance.

...FRANK DANIELS... In his latest Comie Opera,

Next-"PARSON JIM." PARK-TO-DAY-

Third edition of the great farce-comedy,

PUSEY AND ST. JOHN And an excellent company of 25—HIGH-CLASS ARTISTS—25 10c, 20c, 30c-Everybody goes to the Park. Nov. 20, 21, 22-Weber & Fields's "Hurly Burly."

Flower Mission Naval Fair TOMLINSON HALL ... TO-NIGHT ... "PINAFORE"

Friday and Saturday Evenings. Vaudeville and The Zancigs General Admission-50c. Reserved Seats-75c. Reserved seats on sale at Huder's.

Empire & Theater Wabash and Delaware Sts. One Week-Commencing Monday Mat., Nov. 13

Every Evening. Matinee Daily. THE BIG SENSATION DOUBLE SHOW Prices of Admission-10c, 15c, 25c, 50c. Next Week-Nov. 20, 21, 22-Night Owls.

Next Week-Nov 23, 24, 25-Gay Morning Glories. ADVERTISED LETTER LIST.

Following is a list of letters uncalled for in Indianapolis postoffice Wednesday, Nov. 15, 1899 Parties calling for same please give name and date of this list: Allen, Miss Elizabeth. Hertz, Miss Lizzie. Andrews, Mrs. J. S.

Brunswick, Mrs. Nan- Haines, Bessie. Holt, Miss Nannie E. Johnson, Mrs. Ellen. Ballard, Miss Hortense, Joy, Mrs. F. M. Johnson, Miss Bell. Brenan, Miss Emma. Kessler, Mrs. Eliza-Brown, Mrs. G. Klingel, Mrs. Walter. Berry, Miss Nelly. Breining, Mrs. Anna. Kurts, Miss Maud. Lourie, Mrs. Anna C. Betcore, Miss. Baney, Miss Zona. Lee, Mrs. Chas. Butterfield, Mrs. B. W. Logan, Mrs. Walter. Lovett, Mrs. James. Landers, Mrs. W. G. Bland, Miss Henrietta. Barlow, Maud. Brunswick, Mrs. Nan- Lockard, Mrs. Nellie. Lawler, Miss Julia

Letsinger, Miss. Brown, Miss Anna. Bailinger, Miss Mollie, McAchson, Mrs. Wal-Beckman, Miss Anna. McKee, Thomas I. Barbour, Mrs. A. Breakefield, Miss Coon, Mrs. Catherine. Matthews, Miss Mabel. 'rowley, Miss Minnie, Crawley, Miss Minnie. Collins, Mrs. Lizzie. Chant, Mrs. Arthur, Colins, Mrs. Laura.

Payton, Miss Alberta Chamberlain, Mrs. Coffin, Mrs. Elizabeth. Reinner, Minnie Dewyer, Mrs. Marie. Radliffe, Miss Blanche Dinall, Mrs. Georgie. Roberts, Mrs. Na De Harte, Miss Florine. Roth, Mrs. Edna. Roberts, Mrs. Nannie. Richey, Miss Jessie, Durocher, Miss Mary. Edington, Mrs. J. T. Lowards, Mrs. Aman Eddy, Mrs. Anna E. Frevert, Miss Mine. Fisher, Mrs. Martha A. Spapes, Miss Carrie. Fowler, Miss Cora. Fairchild, Mrs. Ellen. Scrimger, Mrs. Ura. Farney, Mrs. B. T. Gender, Miss Martha. Green, Thos. H. Grunawait, Miss Dora. Scanlan, Miss Mollie. Delieart, Miss Addle.

Roberts, Maggie. Sunderland, Mrs. Anna Staley, Mrs. Elizabeth. Sheirman, Miss Gail. Stewart, Miss Mary. Sigman, Mrs. S. Smith, Mrs. A. G. Stout, Mrs. R. Smith, Mrs. Lydia Smith, Miss Mary E Scrimger, Mrs. Ura. Taylor, Mrs. Sallie. White, Miss Rosa L. Howard, Mrs. Fannle Williams, Miss Ella. Harden, Mrs. Hattie. Williams, Miss Nelle. Harris, Mrs. Maggie. Wilson, Minnie. Hunter, Mrs. Austin. Wilson, Mrs. Alina Hill. Miss Eva L. Huestedden, Miss Josie, Wilhelm, Miss Anna. Hence, Mrs. Mamie, Young, Miss Annie.

Martin, Mrs. B.

Morris, Mrs.

Morse, Mrs. George H.

McKensie, Miss Agnes

Brown, Mrs. Susan.

Parker, Miss Mame.

Parker, Miss Callie.

Pickerill, Misses.

Harrison, Mrs. Timo- Young, Josephine, Gentlemen. Morrison, C. Adams, George, Moore, Louis McComas, Milton Bowman, Willie. Muller, A. C. Morton, Hade, Browning, James, Miller, H. J. Mealy, Chas. P. Brinkley, Harry. Morgan, Edward. McCormake, Clar. Morris, George. Newlin, Hite. O'Brien, John. Park, Arthur. Parker, W. F. Prather, Jos. R. Parker, N. C. Pagen, A. C. Pirie, A. H. Randolph, Harry M Ragon, Jno. Rawlins, A. K Rowe, F. St. Clair, Harry Sommers, Chas. B. Stailey, Wm. R. Showers, David. Schebbler, Geo. Smith, Fred. Southard, L. A. Sampson, James J. Sentz, Christian. String, Albert A. Strain, Wm. E. St. Clair, Harry. Summer, D. M. Sacre, Tide. Sennet, D. E. Short, P. M. Soderwall, H. Steward, A. J. Salbush, Gilbert. Turner, A. Thompson, Jas. B. Toon, G. G. Thurston, H. A.

Miscellaneous. Eagle Mfg. Co. Alliston's Mfg. Co. Auburn Threshing Co. Selemen Bres.

cement the sidewalks of New York street, of Lansing street.

from Agnes street to a point 120 feet west The board approved assessment roll in behalf of Julius Keller for paving with cement the sidewalks of South street, from Illinois

Taler, Jim. Taylor, D. V. Turner, C. C. Tallor, Henry F. Thomas, W. Marshall. Van Sicien, Frank B. Vannia, M. B. Walker, Ed. Walker, Francis, Warner, I. C. William, Frank. Wart, Joseph Lee. Webb, Clarence. White, M. F. Wallace, Ol. Young, W. D.

Indiana Pike Lime Co.

Taylor Bros. JAMES W. HESS, Poetmaster.

east, until Nov. 22, the date set for hearing

Benton, H. P. Browning, J Bivens, J. W. Brooks, W. C. Bowerman, A. H. Burk, Sandford. Rarnard, A. Clickner, Ed. Chancy, G. S. Christian, George, Cox. H. D. Coffer, J. H. Cluslett, Jno. Dugan, James. Durham, Weing, Dobbs. Henry. Dobson, Rome Davidson, S. L. Devins, F. J. Evans, F. L. Flehsman, D. W. Foraredo, Wm. Feld. E. Jos. Foster, Oten. Foram, J. T Franklin, Alfred. French, D. W. Gittings, Arthur. Guelliams, F. P. Galloway, Orie.

Andrews, B. I

Brien, W. F.

Bundy, M. M.

Cunningham, J. C. Harvey, C. S. Hazelrigg, H. C. Hern, I. W. Henry, Wm.

Hayes, Taylor. Haines, Noah. Holmes, Robert Hopwood, Jno. J. (3.) Hunt, H. C. Henderson, S. Hunt, F. F. The board took final action and ordered Johnston, Samuel Johnston, R Jones, Frank. Kinister, Chas. H Katz. H. Kurtley, Alex. Kerspner, E. C.

Long. Harry (3.) Laughlin, W. W. The board deferred final action upon the Marlowe, T. H. opening of Keystone avenue, from the C. . C. & St. L. tracks to Southeastern avenue, to a uniform width of forty-five feet, Clark & Pfister. and for the opening of Twenty-eighth street

Piper & Ardell. Coalson & Stipson. Famous Supply Co.